

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

THOMAS RAO, an individual,

Plaintiff,

v.

ORDER

Civil File No. 19-923 (MJD/BRT)

ST. JUDE MEDICAL S.C., INC.,
a Minnesota corporation; and
ABBOTT LABORATORIES,
an Illinois corporation,

Defendants.

Caroline Elizabeth Bressman, Laura Farley, and Michele R. Fisher, Nichols
Kaster, PLLP, counsel for Plaintiff.

Andrew M. Luger, Benjamin L. Ellison, Emily M. Peterson, and Kelly G. Laudon,
Jones Day, counsel for Defendants.

The above-entitled matter comes before the Court upon the Report and
Recommendation of United States Magistrate Judge Becky R. Thorson dated May
26, 2020. No objections have been filed to the Report and Recommendation in
the time period permitted.

Accordingly, based upon the Report & Recommendation, files, records, and proceedings herein, **IT IS HEREBY ORDERED:**

1. The Court **ADOPTS** the Report and Recommendation of United States Magistrate Judge Becky R. Thorson May 26, 2020 [Docket No. 100].
2. Defendants' Motion for Partial Dismissal of Second Amended Complaint [Docket No. 70] is **GRANTED** as follows:
 - a. Court II (the MPWA claim) is **DISMISSED** with prejudice;
 - b. Count V (the negligent hiring claim) is **DISMISSED** with prejudice;
 - c. Count IV (the declaratory judgment claim), to the extent Plaintiff alleges his non-competition agreement with Defendants is overly broad in duration and geography is **DISMISSED** with prejudice, and to the extent Plaintiff alleges his non-competition agreement with Defendants is overly broad in scope and not reasonably tailored to protect Defendants' legitimate business interests is **DISMISSED** without prejudice.

Dated: July 20, 2020

s/ Michael J. Davis

Michael J. Davis

United States District Court